G. R. S. 58]

Previous references

Rev file no 143 of 1893-4

L. & B. - 98 of 1896

ML

1911

(Municipal).

File No 192-11

Serial Nos 1 & 2

Later references

ML 13 of 11 Pts 10-12

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B for Jan^{y}, 1912

SUBJECT

Claims of the Municipalities over the fort walls and ditches within their limits

from the Dy Comr, Chittagong, no 244 S 13 12 11 solicits instructions as to whether in a Regulation Mofy the Municl Council is entitled to the fort stones and the assessment on ditch lands.

to Do, no 4970 S 24 1 12 observes that the land revenue on lands within the Municl limits is an item of state revenue and cannot be claimed by a municipality unless specially assigned to it by govt and that as regards the fort stones also the Mpties have no right over them

GPS—5,000—22-10-12

Memo no 4991-7 forwards copy of the above to the Dy Comrs of other Divns for information

It is understood that

G.R.S. 11] 1911-12

GENERAL AND REVENUE SECRETARIAT

(Mls)

NOTES

File No 692-4

FILE HEADING

Claim of the Municipalities over fort walls and ditches within their limits

From

The Dy. Com^r., Christiansborg

No. 246 Dated 13 12-11 Received 15. 12-911

Diary No 3720	Enclos — Spare Copies. —	Serial No 1

BRIEF ABSTRACT OF LETTER

Solicits instructions whether in a Regulation Municipality the Municipal Council is entitled to the Fort Walls and the assessment on ditch lands

NOTES AND ORDERS

Submitted for orders. In regard the non-regulation Municipalities the orders issued from time to time are clear and definite that they cannot lay claim to fort walls and assessment on ditch lands. The

2 97-96
T. V

NOTES—First Sheet

GPB—50,000—12-6-11

3179 2

G R S. 12]
General and Revenue Secretariat.

Jul File No. 69 of 1911

Journal No.

Chitaldrug Municipality was expressly permitted to credit the revenue from forest stones to their funds by G O No. 3076-86 dated the 1st August 1888. The observation in Red: box file No. M3 of 1893-94 about the proposal to credit the assessment on ditch lands to municipalities clearly indicate that it is an item of state revenue which cannot be made over to municipalities. In accordance orders declining to make over the land revenue on lands within municipal limits to certain municipalities in the State Confirm the above attitude of the Govt in the matter. And unless that item of revenue is expressly assigned to a municipality the latter cannot claim it as its revenue. As regards the forest stones also, Sec 50 (4) does not enable a Regulation municipality to treat stones as their property in the face of the orders in N. F. 98-1886 by which they were specially reserved as Govt property.

S. T & U

Submitted 22.12.11

2 Please put up a brief draft order in accordance with the above - The stones and ditches belong to Govt unless they are

Note—Contin sheet

GPB—80,000—12-9-10

G R S. 12]
(General and Revenue Secretariat.

Ind File No. 192 of 1911

Serial No.

specially assigned to the Municipality In the order of 1st Aug 1888, Govt have sanctioned the credit to the municipal funds of the sale proceeds of the fort stones in Chitaldrug. (Compare also the note on page 108 of Cumming's manual on conservancy & public town-walls)

5 1 22-12-11 Hle

3 Draft order submitted. A copy of the Cumming's Manual is placed in the file for reference.

Ind 30 12-1-12 4 Draft may be approved

14 Cr 19.1.12 Hle

5 approved Hle 20/1/12

6 Issue 20/1/12 Hle

2 G.O. No 1920 dated 24th Jan 1912 to the Dy Com Chitaldrug &c.

Observes that the land revenue on lands within the Municipal limits is an item of State revenue and cannot be claimed by a Municipality unless specially assigned to it by Govt and that as regards

Note—Contn sheet

G. R. S. 12]
General and Revenue Secretariat.

12 File No. 92 of 19 14

Serial No.	
	The fresh claim also the Municipalities Rule No. 8 of the Rules. Memo No. 6971-7 Dy 24.1.12. For a record Copy of the order to the Dy. Commissioners of the Districts for information.

Note—Contin. sheet

GPS—50,000—12-6-13

Received 15th Dec 19

From The Deputy Commissioner, Chitaldrug District

To The Secretary to Govt Govt of Rev Dept to Bangalore

Dated 13

Despatched 14 December 911

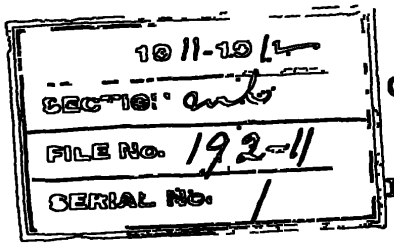
Received

General No 244
No.

Enclosure No.

Requesting instructions as to whether Municipality is entitled to assessment on ditch levied to fort walls —

No 244



Office of the Deputy Commissioner,
Chitaldroog District.
Dated Chitaldroog, 13th December 1911.

14

From

K. Chandy Esquire B. A.,
Deputy Commissioner,
C h i t a l d r o o g.

To

C. S. Balasunderam Iyer Esquire B. A.,
Officiating Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B a n g a l o r e.

Sir,

I have the honor to invite reference to Government Order No. 3276/Genl 138 dated 19th July 1875 wherein it is directed that the District Officers being in charge of all forts and similar buildings in their Districts including forts in Municipalities, no stones from them should be removed except with their permission. But the prevailing practice in the Chitaldroog Municipality has been to permit the removal of stones of dismantled forts and credit the sale proceeds to the funds of the Municipality. The authority for so doing is stated to be not forthcoming. The Government Order referred to above is one passed before the Rendition. It is clearly laid down therein that "Municipal bodies and even the proprietors of Inam villages, can, as a rule have no right in these buildings (that is forts etc) which are public property though situated within their limits, but they should be consulted where the removal of stones is likely to affect them injuriously". In this connection it may be noted that the definition of the expression "Property vested in the Municipal Council" (vide section 50 of the municipal Regulation of 1906) includes "Town Walls". If by the term "Town walls" it is meant "Fort walls" then they necessarily belong to the municipality since the introduction of the new municipal Regulation and the council will therefore have a right to dispose of the stones, the District Officer having nothing to do in the matter. And thus the point for decision is who can dispose of the stones -- whether the municipal council or the Deputy Commissioner of the District.

2 Similarly, with regard to the ditches adjoining the fort walls I beg to state that there are some applications received in this office praying for the grant of the fort ditches for cultivation purposes. The assessment leviable therefrom, will be fixed either by myself or by the Survey Department and each case disposed of according to its merits. But whether the revenue that may be derived therefrom should be credited to municipal funds or to the Land Revenue, is doubtful.

3 It is observed in Government Order No. 2749-56/R 1092 dated 4th October 1898 on the subject, that non-regulation municipalities can enjoy only revenue specially assigned to them, that land revenue has not been so assigned and that therefore it does not belong to them This order relates to the period prior to the irtroduction of the municipal Regulation into the Chitaldroog Municipality It may be stated here, that even after the introduction of the municipal Regulation, these fort ditches have not been either transferred to the municipality or specially reserved by the Government

4 I solicit therefore, that clear instructions may be kindly issued as to whether the municipality is entitled to the assessment on the ditch land and also to the fort walls

I have the honor to be,

S i r,

Your most obedient servant,

K Chandy

Deputy Commissioner

Chitaldroog District

S V

22/1/12

C. R.S. 28]

File No 192 - 4

Serial No. 2

Diary No of letter replied to 3170

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(GL, I)

READ— Letter No 244 dated the 13th December 1911 from the Secretary, Chitaldrug District Committee, soliciting instructions, with reference to the Municipality's ~~Chitaldrug Notification No.~~ noted orders, as to whether it is a Municipality constituted and the Mysore Municipal Regulation IV of 1906, the Municipal Council is, by virtue of section

over

Bangalore, the 12. 1. 1912

Date of issue 24-1-12

Signed by MKNR

O. No 3276/2008 dt 19.7.75 T

O No 2749-56/R 1092 dt 4.10.78 V

SUBJECT

50 of the Regulations, entitled to the first claims as also to the assessments on ditch lands that may be granted for purposes of Cultivation, and stating that in the Chandernagore Municipality the practice has been to credit the sale proceeds of fort claims to Municipal funds though the authority for so doing is not forthcoming

Order thereon 4970 ml 192-11- By 24-1-12

Govt observe

~~It is stated~~ that the land revenue on lands within the Municipal limits is an item of State revenue and ~~the~~ cannot be claimed by a Municipality unless specially assigned to it by Government ~~vide G.O. No. 2769-5 Q.~~ dated 4th October 1898 on the subject applicable to all the Municipalities, ~~subsequent to~~ ~~which Chandernagore was not a~~ French Settlement

P 6022

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation Sheet draft form.*)

~~Amend Regulations on Post~~

2. As regards the Post Offices, Govt have expressly reserved ~~stated~~ in G.O. No. 2086-91 Fin dated the 27th July 1880 (republished with G.O No. 1820-7 Fin dated the 11th May 1889) that the Municipalities ~~shall~~ have no right over them, and see so far as the Act above Municipalities Act does not enable a Municipality to consider the Offices as its property in the face of the said express reservation.

3. It is noted that in G.O. No. 3076-86 Fin dated the 7th August 1888 the Chairman, ~~Municipality~~ ~~was expressly~~ ~~provided with a copy of~~ the Dy Commissioner's proposal to credit the sale proceeds of Post Offices in the town of Chitaldrug to municipal funds

GPS—10,000—22-2-11

6

Funds for the expressly stated
purpose by Govt.

Jue

Jan Seek

To, [illegible]

The Dy. Com. Chitaldrug

Memo 4971-7-

Copy forwarded to
the Dy Commissioners of
the other Distts, for his
information and guidance
"By order"

Jue

Jan Seek

[illegible]